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September 19, 2022

VIA ECF

Honorable Katherine Polk Failla
United States District Court
Southern District of New York
40 Foley Square, Room 2103
New York, NY 10007

MEMO ENDORSED

Re: Angela Brown., et al. v. Peregrine Enterprises, et al.
Case No. 22-cv-01455-KPF

Dear Judge Failla:

This firm represents Peregrine Enterprises, Inc., dba Rick's Cabaret New York; RCI Entertainment (New York) Inc.; RCI Hospitality Holdings Inc., fka Rick's Cabaret International, Inc.; RCI Management Services; Eric Langan; and Ed Anakar (collectively, the "Defendants") in the above-referenced case. We write to respectfully request that the Court strike ECF Dkt. No. 48, Plaintiffs' Opposition to Defendants' Application for Appointment of a Substitute Arbitrator and Cross-Motion to Strike Plaintiffs' Collective Action Claims dated September 16, 2022 ("Plaintiffs' Supplemental Briefing"), from the docket.

Plaintiffs filed this briefing without the Court's permission and without a briefing schedule permitting such a filing. Moreover, Plaintiffs never sought consent from Defendants or even notified Defendants that they will be filing this briefing. Additionally, this past-due and redundant briefing comes after the parties' September 15, 2022 oral argument and after Plaintiffs filed two briefings in support of their arguments. Indeed, Plaintiffs admit that their Supplemental Briefing is meant to "reiterate and bolster" arguments already made in a previous briefing. Plaintiffs' Supplemental Briefing, fn. 1. Accordingly, the Court should reject Plaintiffs' unauthorized attempt to take a second bite at the apple and strike Plaintiffs' Supplemental Briefing from the docket.

We thank the Court for its time and attention to this matter and its consideration of this request.

Respectfully Submitted,

/s/ Jeffrey A. Kimmel

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cc: Plaintiffs' attorneys (via ECF)

Application GRANTED. The Court agrees that Plaintiffs' opposition brief filed on September 16, 2022 (Dkt. #48), was not authorized by the Court (see Dkt. #41 (setting forth briefing schedule)). Plaintiffs already had ample opportunity to make arguments regarding both the motion to lift the stay and Defendants' application for appointment of a substitute arbitrator and cross-motion to strike Plaintiffs' collective action claims. (Dkt. #46 ("Plaintiff's Reply to Defendant's Opposition to Plaintiffs' Motion to Lift the Stay, Defendant's Application for Appointment of a Substitute Arbitrator, and Defendant's Cross-Motion to Strike Plaintiffs' Collective Action Claims")). The Court does not need redundant briefing on these issues, particularly in light of the fact that the Court has already held oral argument.

Accordingly, the Court **GRANTS** Defendants' motion to strike docket entry 48.

The Clerk of Court is directed to terminate the pending motion at docket entry 49.

Dated: September 20, 2022
New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE